

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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PEDRO LAZARO and BRYAN FUENTES, :
individually, and on behalf of FLSA Collective :
Plaintiffs and the Class :

Plaintiffs, :

v. :

ELEFThERIA REST CORP., d/b/a DON COQUI :
ASTORIA; DC 115 CEDAR NR, LLC, d/b/a Get :
Soul; DC WHITE PLAINS LLC, d/b/a DON :
COQUI; DIMITRIOS MITSIOS; JALEENE :
RODRIGUEZ; JEWELLE RODRIGUEZ; :
ANGEL ORTEGA; RENE RODRIGUEZ; :
JIMMY RODRIGUEZ JR.; JOHN DOE :
CORPORATION #1, d/b/a DON COQUI ON :
THE WATER; and JOHN DOE CORPORATION :
#2, d/b/a DON COQUI DYCKMAN, :
Defendants. :

ORDER

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On March 29, 2021, plaintiffs commenced the instant action against defendants. (Doc. #1). And on March 30, 2021, the Clerk of Court issued summonses as to defendants. (Docs. ##18–31). However, on June 8, 2021, plaintiffs filed an amended complaint that asserted claims against several new defendants, as well as certain defendants named in the original complaint. (Doc. #49). Plaintiffs also voluntarily dismissed claims as to several defendants named in the original complaint. (Doc. #45).

On March 30, 2021, summons issued with respect to the original complaint as to defendants Eleftheria Rest Corp. (“Eleftheria”), DC 115 Cedar NR, LLC, DC White Plains, Dimitrios Mitsios, Jaleene Rodriguez, Jewelle Rodriguez, Angel Ortega, and Rene Rodriguez. (Docs. ##18, 19, 21, 23, 24, 25, 26, 29, 30). And on June 9, 2021, the Clerk of Court issued summons as to defendant Jimmy Rodriguez Jr., who was newly named in the amended complaint. (Doc. #52).

On July 15, 2021, plaintiffs filed proof of service on defendants DC Cedar NR, LLC, DC White Plains LLC, and Eleftheria. (Docs. ##53, 54, 55). These proofs of service indicate DC Cedar NR, LLC, DC White Plains LLC, and Eleftheria were served on July 6, 2021. Accordingly, those defendants had until July 27, 2021 to answer, move, or otherwise respond to the Complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

Similarly, on August 5, 2021, plaintiffs filed proof of service on defendants Angel Ortega, Jaleene Rodriguez, Jewelle Rodriguez, Jimmy Rodriguez Jr., and Rene Rodriguez. (Docs. ##56, 57, 58, 59, 60). These proofs of service indicate these defendants were served on July 31, 2021. Accordingly, these defendants had until August 23, 2021, to answer, move or otherwise respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

However, to date, no defendant has answered, moved, or otherwise responded to either the original complaint or the amended complaint. Moreover, none of the defendants who remain parties to this action have appeared herein.

Accordingly, provided that defendants remain in default, plaintiffs are ORDERED to seek certificates of default as to all defendants by **September 7, 2021**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against all defendants by **September 21, 2021**. **If plaintiffs fail to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: August 24, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge